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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,336	01/24/2000	Jeffry Jovan Philyaw	PHLY-24.896	7014

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EXAMINER

NGUYEN, THANH T

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/27/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/490,336

Examiner

Tammy T Nguyen

Applicant(s)

PHILYAW, JEFFRY JOVAN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

Responsive to communication(s) filed on August 1, 2003.

1) ☒ This action is **FINAL**.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-28 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 24 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:



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Detailed Office Action

1. This action is in response to the application 09/490,336 filed. August 1st, 2003
2. Claims 1-28 have been examined.

Response to Arguments

3. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al., (hereinafter Hudetz) U.S. Patent No. 5,978,773 in view of Chiu et al., (hereinafter Chiu) U.S. Patent No. 5,35,146.

6. As to claim 1, Hudetz teaches the invention as claimed, including a method of obtaining

product information regarding a product, comprising the steps of:

disposing a first computer of a user on a network (Abstract, col.1, lines 20-55);

connecting an input device to the first computer to provide a user interface to the first computer, wherein the input device can position data of optical indicia of the product, from displayed indicia containing a product ID; (col.6, lines 8-55, col.5, lines 13-34, and col.10, lines 3-27);

accessing a second computer disposed on the network in response to the user sensing the indicia of the product with the input device (col.3, lines 16-57, col.12, lines 11-67, col.6, lines 8-33, col.7, lines 2-28, col.8, lines 12-20);

performing a lookup operation at the second computer to match the product ID with routing information of each of a plurality of vendor servers disposed on the network, the vendor servers having unique product-related information of the product (col.8, lines 12-67, and col.9, lines 1-5);

returning the routing information of the vendor servers from the second computer to the first computer in order to access the vendor server (col.8, lines 11-63); and

accessing the vendor server in accordance with the routing information to return the product-related information to the first computer for simultaneous presentation to the user (col.1, lines 21-63, and col.8, lines 29-67).

Hudetz does not teach sensing positional data of an external surface that is related to an optical indicator on a user display to indicate the relative position of the input device to the external surface. However, Chiu teaches an external surface that is related to an optical indicator on a user display to indicate the relative position of the input device to the external surface (col. 15,

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line 65 to col.16, line 15, col.1, lines 39-50 and col.2, lines 16-43). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Hudetz and Chiu to have an external surface that is related to an optical indicator on a user display to indicate the relative position of the input device to the external surface including in a communication system because it would have an efficient system that can provide specific functions that dependent upon external conditions for its specific nature or interconnected with something else.

7. As to claim 2, Hudetz teaches the invention as claimed, wherein the step of accessing the vendor servers includes respectively accessing a distributor node of the input device, an advertiser node, and an E-commerce node (col.12, lines 10-60, and col.13, lines 5-51).

8. As to claim 3, Hudetz teaches the invention as claimed, wherein the input device can sense information stored in magnetic medium (col.6, lines 1-25, and col.12, lines 1-55).

9. As to claim 4, Hudetz teaches the invention as claimed, wherein the step of accessing the Vendor server further comprises the steps of,

returning the product information of the product respectively from an advertiser node, distributor information of a distributor of the input device from a distributor node, and E-commerce information from an E-commerce node (col.8, lines 11-20, and col.1, lines 24-37), and

framing separately the distributor information, product information, and E-commerce information in a browser window of the first computer for presentation to the user (col.11, lines 1-8, col.8, lines 29-63, and col.9, lines 5-13).

10. As to claim 5, Hudetz teaches the invention as claimed, wherein in response to receiving

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scanned indicia and positional data from the input device, a software interface running on the first computer converts the received indicia data and generates the routing information for transmission to the second computer (col.11, lines 20-60).

11. As to claim 6, Hudetz teaches the invention as claimed, wherein the routing information includes an input device ID and a network address of the second computer (col.5, lines 13-34).

12. As to claim 7, Hudetz teaches the invention as claimed, wherein the user enables reading of the indicia, in the step of connecting, by first depressing one or more buttons on the input device (col.3, lines 45-57, and col.3, lines 4-15).

13. As to claim 8, Hudetz teaches the invention as claimed, wherein a software interface running on the first computer is operable to automatically detect reading of the product indicia by the input device and detect positional data (col.3, lines 24-67, and col.11, line 62 to col.12, line 9).

14. As to claim 9, Hudetz teaches the invention as claimed, wherein the input device and a software interface running on the first computer perform a handshake operation using a unique input device ID stored in the input device prior to enabling operation of one or more operating modes of the input device (col.5, line 13-34, and col.8, lines 29-46).

15. As to claim 10, Hudetz teaches the invention as claimed, including an architecture for obtaining product information of a product-related, comprising:

a first computer of a user disposed on a network (Abstract, col.1, lines 20-55);

an input device connected to said first computer to provide a user interface to said first computer, wherein said input device can sense positional data of optical indicia of the product,

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from displayed indicia containing a product ID (col.6, lines 8-55, col.5, lines 13-34, and col.10, lines 3-27);

a second computer disposed on said network and accessed in response to said user sensing said indicia of the product with said input device (col.3, lines 16-57, col.12, lines 11-67, col.6, lines 8-33, col.7, lines 2-28, col.8, lines 12-20);

wherein a lookup operation is performed at said second computer to match said product ID with routing information of each of a plurality of vendor servers disposed on said network, said vendor servers having unique product-related information of the product (col.8, lines 12-67, and col.9, lines 1-5);

wherein said routing information of the vendor servers is returned from said second computer to said first computer in order to access said vendor server (col.8, lines 11-63);

wherein said vendor server is accessed in accordance with said routing information to return the product-related information to said first computer for simultaneous presentation to said user (col.1, lines 21-63, and col.8, lines 29-67).

Hudetz does not teach sensing positional data of an external surface that is related to an optical indicator on a user display to indicate the relative position of the input device to the external surface. However, Chiu teaches an external surface that is related to an optical indicator on a user display to indicate the relative position of the input device to the external surface (col. 15, line 65 to col.16, line 15, col.1, lines 39-50 and col.2, lines 16-43). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Hudetz and Chiu to have an external surface that is related to an optical indicator on a user display to indicate the relative position of the input device to the external surface including

in a communication system because it would have an efficient system that can provide specific functions that dependent upon external conditions for its specific nature or interconnected with something else.

16. As to claim 11, Hudetz teaches the invention as claimed, wherein each of said plurality of vendor servers is operable respectively to access a distributor node of the input device, an advertiser node, and an E-commerce node (col.12, lines 10-60, and col.13, lines 5-51).

17. As to claim 12, Hudetz teaches the invention as claimed, wherein said input device can sense information stored in magnetic medium (col.6, lines 1-25, and col.12, lines 1-55).

18. As to claim 13, Hudetz teaches the invention as claimed, wherein said vendor server returns the product information of the product respectively from an advertiser node, distributor information of a distributor of said input device from a distributor node, and E-commerce information from an E-commerce node, and said distributor information, the product information, and said E-commerce information is framed separately in a browser window of said first computer for presentation to said user (col.11, lines 1-8, col.8, lines 29-63, and col.9, lines 5-13).

19. As to claim 14, Hudetz teaches the invention as claimed, wherein a software interface running on said first computer converts received indicia data and generates said routing information for transmission to said second computer, in response to receiving said scanned indicia and positional data from said input device (col. 11, lines 20-60).

20. As to claim 15, Hudetz teaches the invention as claimed, wherein said routing information includes an input device ID and a network address of said second computer (col.13, line 5 to col.14, line 50).

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21. As to claim 16, Hudetz teaches the invention as claimed, wherein said user enables reading of said indicia by first depressing one or more buttons on said input device (col.3, lines 45-57, and col.3, lines 4-15).

22. As to claim 17, Hudetz teaches the invention as claimed, wherein a software interface running on said first computer is operable to automatically detect reading of said product indicia by said input device and detect positional data (col.3, lines 24-67, and col.11, line 62 to col.12, line 9).

23. As to claim 18, Hudetz teaches the invention as claimed, wherein said input device and a software interface running on said first computer perform a handshake operation using a unique input device ID stored in said input device prior to enabling operation of one or more operating modes of said input device (col.5, line 13-34, and col.8, lines 29-46).

24. As to claim 19, Hudetz teaches the invention as claimed, including a method for connecting two locations on a network utilizing a pointing device at the first location interconnected to a user's computer at the first location, comprising the steps of:

providing both positional and optical scanning capabilities in the pointing device (col.11, lines 1-61, col.10, lines 3-54, and col.2, lines 1-25);

scanning the pointing device with the optical scanning capability thereof over an encoded optical code, encoded with information representative of a location on the network of a second location, while operating a first program on the user computer which utilizes the positional capabilities of the pointing device;(col.6, lines 5-65, col.8, lines 10-67, and col.12, lines 5-55);

running a second program in the user's computer (col.2, lines 5-65 and col.8, lines 1-65);

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detecting with the second program the scanning of the encoded optical code (col.3 lines 1-60);

connecting the first location to each of a plurality of the second locations to over the network through respective routing location indicated by the information encoded in encoded optical codes in response to the step of detecting the encoded optical code (col.11, lines 28-39, col.5, lines 1-25, and col.19, lines 12-21); and

receiving information from each of the second location transmitted there from to the first location for simultaneous display thereof(col.8, lines 5-65).

Hudetz does not teach sensing positional data of an external surface that is related to an optical indicator on a user display to indicate the relative position of the input device to the external surface. However, Chiu teaches an external surface that is related to an optical indicator on a user display to indicate the relative position of the input device to the external surface (col. 15, line 65 to col.16, line 15, col.1, lines 39-50 and col.2, lines 16-43). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Hudetz and Chiu to have an external surface that is related to an optical indicator on a user display to indicate the relative position of the input device to the external surface including in a communication system because it would have an efficient system that can provide specific functions that dependent upon external conditions for its specific nature or interconnected with something else.

25. As to claim 20, Hudetz teaches the invention as claimed, wherein the encoded optical code is a barcode (col.11, line 62 to col.12, line 21).

26. As to claim 21, Hudetz teaches the invention as claimed, wherein the encoded optical

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code is an ISBN code (col.5, lines 5-65, and col.10, lines 1- 36).

27. As to claim 22, Hudetz teaches the invention as claimed, wherein the encoded optical code is an EAN code (col.10 lines 1-20, col.12, lines 2-65, and col.13, lines 25-50).

28. As to claim 23, Hudetz teaches the invention as claimed, wherein the encoded optical code is disposed on a flat surface (col.1, lines 20-60, and col.9, lines 20-60).

29. As to claim 24, Hudetz teaches the invention as claimed, wherein the encoded optical code is disposed on a product (col.3, lines 15-60).

30. As to claim 25, Hudetz teaches the invention as claimed, wherein the encoded optical code is encoded with information regarding the product and associated with a product (col.9, lines 10-67, and col.3, lines 1-55).

31. As to claim 26, Hudetz teaches the invention as claimed, wherein the step of receiving Information comprises displaying the information received from the second location when received there from (col.11, lines 1-20, and col.4, lines 15-60).

32. As to claim 27, Hudetz teaches the invention as claimed, wherein the step of connecting includes the step of watching a web browser program which is operable to interface with the network (col.2, lines 7-36).

33. As to claim 28, Hudetz teaches the invention as claimed, wherein the step of connecting comprises:

assembling a packet of data with the information extracted from the encoded optical code contained therein (col.14, lines 1-25);

transferring the assembled packet to an intermediate network location remote from the first location (col.2, lines 1-20);

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providing at the intermediate location a database having contained therein a plurality of routing addresses on the network and corresponding encoded optical information(col.1, lines 1-20, and col.11, lines 1-60);

comparing the information disposed in the received packet at the intermediate location with information in the database to determine if there is at least one corresponding routing address disposed therein corresponding with the encoded optical information (col.7, line 43 to col.8, line 10, col.11, lines 28-39);

if a match exists, then returning the matching information in the form of the routing address to the first location (col.7, lines 28-42, col.8, line 47 to col.9, line 4); and
 connecting the first location to each of a plurality the second location in accordance with the network address information returned thereto from the intermediate location (col.2, lines 16-27, and col.3, lines 24-44).

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dvorkis et al
 Ken R. Powell

U.S. Patent No. 5,633,489
 U.S. Patent No. 5,806,044

Issued May 27, 1997
 Issued September 8, 1998

35. Any inquiries concerning this communication or earlier communications from the


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examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at (703) 305-7982. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 4:30 p.m. eastern standard time.

36. If you need to send the Examiner, a facsimile transmission regarding After Final issues, please send it to (703) 746-7238. If you need to send an Official facsimile transmission, please send it to (703) 746-7239. If you would like to send a Non-Official (draft) facsimile transmission the fax is (703) 746-7240. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, **David Wiley**, may be reached at (703) 308-5221.

Any response to this office action should be mailed to: **Director of Patents and Trademarks Washington, D.C. 20231**. Moreover, hand-delivered responses should be delivered to the Receptionist, located on the **fourth floor of Crystal Park 11, 2121 Crystal Drive Arlington, Virginia**.

TTN
8/15/03



DAVID WILEY
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